



February 23, 2017

Senator Steven Glazer, Chairman
Senate Committee on Governmental Organization
1020 N Street, Rm. 584
Sacramento, CA 95814

Fax (916) 445-5258

RE: OPPOSE: SB 384 (Wiener) Alcoholic beverages: hours of sale

Dear Chairman Glazer:

Alcohol Justice (formerly Marin Institute) is a respected alcohol industry watchdog that has been a leading alcohol research and advocacy institution for more than 30 years. We are deeply concerned about the policy implications and public health and safety costs to the state, county and local governments associated with extending hours of alcohol sales from 2 a.m. to 4 a.m.

According to the 2015 published research study, *2010 National and State Costs of Excessive Alcohol Consumption*, alcohol-related harm costs California \$35 billion annually, with local and state governments paying \$14.5 billion annually. Approximately 10,500 people a year die from alcohol-related, preventable harm. This \$35 billion amount includes the total alcohol-related cost of crime, injuries, traffic accidents, and illnesses that plague California with a closing time for alcohol sales of 2 a.m. Adding more hours of alcohol consumption will only increase those problems and costs.

SB 384 lacks any evidence to support the bill author's claim that extending hours of sale would not increase alcohol related harm. Extending alcohol service hours at bars and nightclubs would bring associated public safety risks and increased law enforcement costs, according to recent research.

Proponents of extending hours overlook and/or disregard substantial evidence, as well as a recommendation from the U.S. Community Prevention Services Task Force, indicating the dangers of extended alcohol service hours. California lawmakers must examine all the evidence and act to protect the public safety of their constituents.

In November 2010, the Task Force conducted a systematic review of available studies and recommended against extending hours of alcohol sales/service. The Task Force repeated peer-reviewed evidence showing that "increasing hours of sale by two or more hours found increases in vehicle crash injuries, emergency room admissions, and alcohol-related assault and injury."

The Task Force is an independent, nonfederal, unpaid panel of public health experts that provides evidence-based findings and recommendations about policies to improve health. The then Task Force chair, Jonathan Fielding, co-authored the published review and recommendation.

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Here are specific concerns with SB 384 that we do not feel can be overcome:

- California communities, overburdened with alcohol-related harm both economic and social, do not have the resources to mitigate the additional harms of late night drinking. Since the passage of Prop 26 in 2010, the ability to increase fees at all levels of government has been effectively squashed. Cities and counties will not be able to adequately charge for harm and costs like public safety and transportation. They can no longer mitigate for health and human safety costs without a two-thirds vote locally – nearly impossible to reach with the untold ability of alcohol corporations to throw money into local initiatives.
- In modern California cities, we are trying to promote health lifestyles and dense housing near transportation hubs. This legislation moves entirely the other direction in public policy, promoting more alcohol consumption and binge drinking, and promoting noise, nuisance and safety concerns near dense, downtown development.
- There is no ABC capacity to regulate late night bars. Already ABC has one staff person for every 1000 licenses, and they just do not work past midnight. Time and time again, the California Department of Alcoholic Beverage Control has noted diminished enforcement capacity, allowing them to attempt to address only the most serious offenses. Continuing to sell alcohol to already-inebriated adults is not one of them.
- There is little to no mass transportation available in most cities at 4 a.m., meaning that this legislation could directly contribute to more drunk driving and preventable traffic collisions, injury and death – and burden on emergency rooms.
- With bars and restaurants in one municipality staying open until 4 a.m. two regional impacts are huge: first, when establishments close at 2 a.m. elsewhere, impaired or drunk drivers will head to the late entertainment district; and secondly, when last call is at 3:45 a.m. impaired or drunk drivers will hit the roads to travel to their suburban homes. Just one drunk driving collision at 5 a.m. could snarl early morning commute hours in many places, such as for example the Bay Bridge or at the Caldecott Tunnel.
- The biggest nuisance and crime problem for ABC licensees is around restaurants that are steadily turning themselves into late night drinking establishments after they slowly roll up their food service. Those growing problems between 10 p.m. and 2 a.m. are what the legislature should be grappling with, not trying to extend the problem times even further.
- Bars and restaurants already could make profits after 2 a.m. by locking up their alcohol and serving juice, soda or food to late night customers. This bill is about maximizing unhealthy alcohol profits, and not the best way to promote economic survival of nightlife.

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SB 384 is legislation that will endanger many lives and deteriorate quality of life. The bill language also fails to address the need to compensate for the increased local costs of enforcement, compliance, and mitigations to ensure that the public health and safety are protected. We respectfully request that you forcefully oppose this bill in the Senate Committee on Governmental Organization.

However, we do not oppose promotion of activities between 2 a.m. and 4 a.m. that promote fun and healthy behavior that does not disturb neighborhoods, as long as they do not involve extending alcohol sales hours and unhealthy drinking choices.

Sincerely,

Bruce Lee Livingston

Bruce Lee Livingston

Executive Director / CEO

cc: - *Members of Senate Committee on Governmental Organization*
- *Senator Wiener (author) Fax [916 651-4911](tel:9166514911)*